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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,223	09/22/2005	Mikio Tanaka	0037-0225PUS1	6772
2292 7590 01/25/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HUYNH, LOUIS K	
			ART UNIT	PAPER NUMBER
			3721	
			NOTIFICATION DATE	DELIVERY MODE
			01/25/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/526,223		TANAKA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Louis K. Huynh		3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9 & 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (US 6,629,777).

- With respect to claim 9, Tanaka discloses a cushioning package that meets all of applicant's claimed subject matter; in particular, the package of Tanaka comprises: a cushioning sheet (1) formed from overlapped plastic film sheets and including a group of independent small cells (4) filled with air, an article storage space (29) formed by folding the cushioning sheet (1) about crease lines (6 & 7), an article storage opening (28), and an article (A); wherein the article storage opening is sealed by adhesion (31) after the article (A) is disposed in the article storage space (29).
- With respect to claim 10, the outer edges (9 & 11) of the package of Takana are heat bonded together, and pressure in the storage space (29) is fully capable of being adjustable by adjusting air pressure within the small cells (4).

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3. Claims 13 are rejected under 35 U.S.C. 102(b) as being anticipated Farquharson (US 3,340,669).

- With respect to claim 13, Farquharson discloses an apparatus for manufacturing a cushioning package that meets all of applicant's claimed subject matter; in particular, the apparatus of Farquharson comprises: an article storage space forming unit including a folding unit for folding a sheet (6) to form an M-shaped in cross section and a transverse sealer for forming transverse seal (16) on the M-shaped overlapped sheet in order to form the article storage space having an article storage opening and to form small cells (10, 14), an article depositing unit for loading an article (18) into the article storage space (12), an air filling unit for inflating the small cells (10, 14) with air. Note that the cushioning sheet is a workpiece and does not form a part of the claimed apparatus.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farquharson (US 3,340,669) in view of Cope (US 4,877,334).

- With respect to claims 14 & 15, the apparatus of Farquharson meets all of applicant's claimed subject matter but lacks the specific teaching of an air passage

in fluid communication with the small cells, a reverse-flow prevention member and an air nozzles. Cope discloses an old and well-known apparatus for inflating a cushioning package (70) comprising an air nozzle (78) that is inserted into inflation tubes (72, 73) of the cushioning package. Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the apparatus of Farquharson by having provided cushioning package with an inflation tube so that the small cells (10, 14) can be inflated using an air nozzle, as taught by Cope. Regarding the limitation of the reverse-flow prevention member, it is known and well within the knowledge of an ordinary skilled person in the art to clamp the inflation tube against the air nozzle in order to prevent separation of the inflation tube from the air nozzle when pressure inside the small cells is substantially equal to the pressure of the air nozzle; therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the apparatus of Farquharson by having provided a clamp for clamping the inflation tube to the air nozzle in order to prevent the cushioning package from being blown away.

- With respect to claim 16, the pressure in the article storage space can be adjusted by reducing the pressure in the small cells, thus the inflation tube attached to the cushioning package in the modified apparatus of Farquharson could be used as an adjusting nozzle.

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6. Claims 11 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (US 6,629,777) in view of Farquharson (US 3,340,669).

- With respect to claim 11, Tanaka discloses a method for packaging an article (A) in a cushioning sheet (1) comprising the steps of: providing a cushioning sheets (1) having small cells (4), folding the cushioning sheet (1) along crease lines (6 & 7) and heat bonding the edges (9 & 11) of the cushioning sheets to form an article storage space (29), disposing an article (A) in the article storage space (29) via a storage space opening (28), closing the storage opening with adhesive strip (30), and filling air into small cells (4) of the cushioning sheet (1). The method of Takana meets all of applicant's claimed subject matter but lacks the specific teaching of the closing step is performed while the air is filled into the small cells. Farquharson teaches a method for packaging an article (18) in an air filled cushioning packaging material (6) which comprises, among other steps, the step of making a final seal of the package while filling air into outer pockets (10 & 14) of the packaging material (6) such that only a desired amount of air is trap in the outer pockets. It is noted that the cushioning sheet (1) of Takana is capable of being closed manually while being in a flatten or inflated condition and even while the cushioning sheet is being inflated without producing any unexpected result; therefore, it would have been obvious to an ordinary skilled person in the art, at the time of the invention, to have modified the method of Tanaka be having closed the cushioning sheet while filling air into the small cells, as taught by

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Farquharson, so that only a desired amount of air would be filled into the small cells of the cushioning sheet.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

8. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

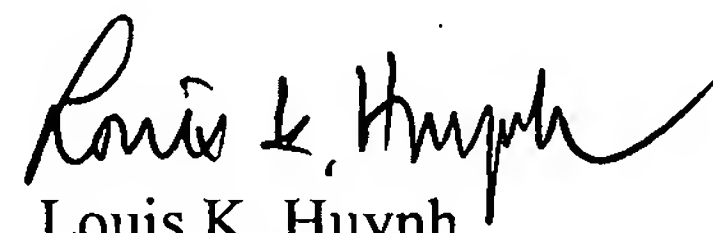


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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Louis K. Huynh  
Primary Examiner  
Art Unit 3721

January 22, 2008